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MAR 12 2003

Federal Communications Commission  
Office of Secretary

March 12.2003

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Ms. Dortch:

**RE: Ex Parte Notice. MB Docket No. 02-277, MM Docket Nos. 01-235, 01-317, 00-244.**  
**In the Matter of 2002 Biennial Regulatory Review – Review of the Commission's Broadcast**  
**Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the**  
**Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers;**  
**Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local**  
**Markets; Definition of Radio Markets.**

On March 11, 2003, Linda Foley, Vice President, The Newspaper Guild/CWA, Wayne Cahill and Rob Perez of the Honolulu Newspaper Guild/CWA, and Debbie Goldman of the Communications Workers of America had two meetings with FCC staff. In the first meeting, they met with Alexis Johns and Jordan Goldstein, Legal Advisors to Commissioner Michael C'opps. In the second meeting, they met with Sarah Whitesell, Legal Advisor to Commissioner Jonathan Adelstein. Jeff Leib of the Denver Newspaper Guild/CWA also participated in the first meeting (via telephone).

The discussion focused on CWA's proposal that any modification of current broadcast media ownership limits that would permit common ownership of a newspaper and a TV station or common ownership of TV stations (duopolies) in unconcentrated markets should include the requirement that the commonly-owned outlets maintain separate news and editorial staff to protect viewpoint diversity. We discussed the Newspaper Preservation Act of 1970 statutory mandate requiring newspapers operating under a joint operating agreement (JOA) under terms of the Newspaper Preservation Act maintain separate editorial and news staff. We described how this requirement has preserved viewpoint diversity and journalistic competition in two JOA locations: Denver and, until the recent termination of the JOA, Honolulu.

A list of 12 existing newspaper Joint Operating Agreements, an overview of Joint Operating Agreements, and a copy of the 1970 Newspaper Preservation Act were distributed and are attached to this notice.

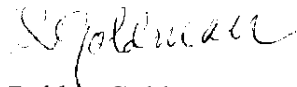
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Ms. Marlene Dortch  
March 12, 2003  
Page 2

We also distributed the attached FL-CIO resolution "Media Monopolies: Threat to American Democracy," adopted Feb. 26, 2003. We also provided Ms. Johns and Mr. Goldstein a copy of the CWA ex parte presentation previously entered into the record in this proceeding on March 5, 2003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Goldman".

Debbie Goldman, Research Economist  
Research and Development Department

cc: Sarah Whitesell  
Alexis Johns  
Jordan Goldstein

Attachments

# Newspaper Joint Operating Agreements

The Newspaper Preservation Act of 1970 was created to preserve a diversity of editorial opinion in communities where the market no longer supported two competing newspapers. Editorial operations under a Joint Operating Agreement remain separate; all other operations are combined. Listed here are the 12 JOAs with the year they expire.

Albuquerque Journal The Albuquerque Tribune	2022	The Journal-Gazette, Fort Wayne, Ind The News-Sentinel, Fort Wayne, Ind	2020
The Birmingham News Birmingham Post-Herald	2015	Las Vegas Review-Journal The Las Vegas Sun	2049
The Charleston (W.Va.) Gazette Charleston (W.Va.) Daily Mail	2036	The Salt Lake City Deseret News Salt Lake Tribune	2012
The Cincinnati Enquirer ✓ The Cincinnati Post	2007	✓ Seattle Post-Intelligencer ✓ The Seattle Times	2033
✓ Denver Rocky Mountain News ✓ The Denver Post	2051	The Arizona Daily Star, Tucson Tucson Citizen	2015
✓ Detroit Free Press ✓ The Detroit News	2086	✓ The York (Pa.) Dispatch ✓ York (Pa.) Daily Record	2090

Source: NPA

*Newspaper Industry  
Monopolies  
Failing Newspaper  
Act*

## NEWSPAPER PRESERVATION ACT

JUNE 15, 1970.—Referred to the House Calendar and ordered to be printed

Mr. KASTENMEIER, from the Committee on the Judiciary,  
submitted the following

### REPORT

Together with

### INDIVIDUAL VIEWS

[To accompany H.R. 279]

The Committee on the Judiciary, to whom was referred the bill (H.R. 279) to exempt from the antitrust laws certain joint newspaper operating arrangements having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike all after enacting clause and insert in lieu thereof the following:

"SECTION 1. This Act may be cited as the 'Newspaper Preservation Act'.

#### "DECLARATION OF POLICY

"SEC. 2. In the public interest of maintaining a newspaper press editorially and reportorially independent and competitive in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been heretofore entered into because of economic distress or is hereafter effected in accordance with the provisions of this Act.

#### "DEFINITIONS

"Sec. 3. As used in this Act—

"(1) The term 'antitrust law' means the Federal Trade Commission Act and each statute defined by section 4 thereof (15 U.S.C. 44) as 'Antitrust Acts' and all amendments to such Act and such statutes and any other Acts in pari materia.

"(2) The term 'joint newspaper operating arrangement' means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method,

and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution. Provided, That there is no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.

"(3) The term 'newspaper owner' means any person who owns or controls directly or indirectly through separate or subsidiary corporations, one or more newspaper publications.

"(4) The term 'newspaper publication' means a publication produced on newsprint paper which is published in one or more issues weekly (including as one publication any daily newspaper and any Sunday newspaper published by the same owner in the same city, community, or metropolitan area), and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

"(5) The term 'failing newspaper' means a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure.

"(6) The term 'person' means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

#### "ANTITRUST EXEMPTION

"SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time at which such arrangement was first entered into, regardless of ownership or affiliations, not more than one of the newspaper publications involved in the performance of such arrangement was likely to remain or become a financially sound publication: Provided, That the terms of a renewal or amendment to a joint operating arrangement must be filed with the Department of Justice.

"(b) It shall be unlawful for any person to enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the arrangement is a publication other than a failing newspaper, and that approval of such arrangement would effectuate the policy and purpose of this Act.

"(c) Nothing contained in this Act shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this Act, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

#### "PREVIOUS TRANSACTIONS

"SEC. 5. (a) Notwithstanding any final judgment rendered in any action brought by the United States under which a joint operating arrangement has been held to be unlawful under any antitrust law, any party to such final judgment may reinstate said joint newspaper operating arrangement to the extent permissible under section 4(a) hereof.

"(b) The provisions of section 4 shall apply to the determination of any civil or criminal action pending in any district court of the United States on the date of enactment of this Act in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

#### "SEPARABILITY PROVISION

"SEC. 6. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby."

# Media Monopolies: A Threat to American Democracy

## AFL-CIO EXECUTIVE COUNCIL STATEMENT

February 26, 2003

"It is the purpose of the first Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

The U.S. Supreme Court in the landmark 1969 case of *Red Lion v. FCC* made this unambiguous assertion, which further defined the broader range of constitutional protections that are inherent in the First Amendment. In effect, the nation's highest court ruled that the public's right to receive information is an essential part of the First Amendment's free speech guarantee. Safeguarding the public's right to "an uninhibited marketplace of ideas" requires diversity among those who own and control media outlets, to ensure that Americans remain free to choose among many sources of information, viewpoints, and ideas.

Yet the public's right to receive information from diverse sources is now in serious jeopardy. In one of the most critical domestic policy issues to be addressed this year, the Federal Communications Commission (FCC) is engaged in rule making on media ownership regulations. The outcome of these proceedings will affect literally every household in America and also have a profound impact upon the news, entertainment, information, communications and advertising sectors. Despite wave after wave of media mega-mergers over the last decade, the FCC is about to decide the fate of all its existing media ownership regulations. These public interest standards—some in effect for more than 60 years—prevent monopoly control of news, information and entertainment in media markets throughout our nation. The consolidated rule making, described by FCC Chairman Michael Powell as the most sweeping regulatory action in FCC history, has the potential to reshape radically the nation's media landscape, with likely adverse consequences in media markets both big and small throughout the country.

The AFL-CIO and its affiliated unions in news and entertainment—which collectively represent nearly one-half million professional, technical and blue-collar workers—believe that today's already highly concentrated media marketplace makes robust competition and ownership diversity all the more essential to the economic health and viability of the media and entertainment sectors. In the news and information business, competition and diversity help preserve localism in news coverage, enhance the quality and comprehensiveness of news content, assure a multiplicity of voices from a variety of independent sources and reduce the risk that news will be censored or slanted by a few controlling interests. Maintaining competition and diversity is central to protecting the public's right to information and, importantly, to expanding the public's informed participation in our democracy. In the entertainment sector, competition and diversity stimulate the kinds of creativity and variety in programming that the American public has come to expect but that has significantly diminished since the FCC repealed the Financial Interest and Syndication Rule in 1993.

Media giants, the networks and others who want even more deregulation claim that the proliferation of newer media outlets—cable, satellite and the Internet—create sufficient competition, rendering FCC

media ownership regulations obsolete. Yet evidence in the FCC's rule making presented by the entertainment guilds, AFL-CIO unions in broadcasting and journalism, consumer and public-interest organizations, business groups including independent producers and **advertisers**, as well as some of the FCC's own studies clearly shows that a large swath of these 'new' outlets are owned by the same conglomerates that control traditional media. As such, they are not new and diverse voices in the marketplace. In fact, programming on the four major networks has become more, not less, homogenous over the past ten years. Moreover, there has been a precipitous decline in the growth of media outlets in radio and newspapers in particular, with significant consequences for these two traditional sources of news for many Americans.

In radio, the deregulation wrought by Congress through the 1996 Communications Act precipitated the monopolistic expansion of Clear Channel into this communications sector. Described by many as the poster child for what's wrong with media deregulation, Clear Channel has been the target of anti-trust lawsuits, FCC fines for payola violations, Senate oversight hearings and labor-backed legislation introduced by Senator Russell Feingold (D-WI) to outlaw some elements of this radio giant's repertoire of abusive practices affecting the music industry and performing artists.

In local newspapers and television, as the number of diverse and antagonistic news sources has contracted, so has broad-based coverage of vital state and local issues. Corporate dominance of local markets has translated into less public-interest reporting on consumer, environmental, minority and labor affairs, as media owners play to their bottom line—reduced costs—and their business advertisers. As a result, the identity, values and informational needs of local communities are at risk. We are especially concerned about the decline in coverage of labor issues and the sometimes arbitrary refusal by media outlets to air ads paid for by labor organizations, for no reason other than the broadcasters' concerns that they might offend their corporate clients.

For workers in news and entertainment, further media consolidation will exacerbate the assault on their jobs and their professions. Since June 2000, an estimated 70,000 media workers have been laid off. According to the Bureau of Labor Statistics, employment in radio alone—where the pace of station acquisition has been frenetic—has fallen by 7,000 in two years, eliminating 20 years of growth and leaving radio with fewer employees than it had in 1982. According to one industry source "radio stations have been particularly hammered not just by the recession but by concentration of ownership." In broadcast, employment over the same period dropped by 3 percent, ending a 10-year growth cycle.

In addition to the effect on jobs, The Project for Excellence in Journalism and others have documented that growing consolidation in the news business has led to a serious decline in the quality of local news as distant corporate media executives demand cuts in news budgets to boost profits. With this decline, media employees and freelancers alike see their bargaining power to fight for better economic conditions and professional standards stifled in the face of ever more powerful media giants.

FCC media ownership rules assure some measure of marketplace accountability **through Competition**. Without them, the "uninhibited marketplace of ideas" would be diminished. Should the FCC decide to eliminate or significantly weaken its media ownership standards, we foresee a feeding frenzy of corporate acquisitions that will lead to more monopolistic cross-ownership of radio, TV, newspapers, the Internet and other media pipelines. Citizen access to diverse sources of information and entertainment will be vastly reduced and the quality of news and entertainment will be further compromised.

In our democratic society, media ownership matters. It matters because ultimately it is the deciding factor that determines what America's working families are able to consume in news, entertainment and information. Most importantly, it matters to our democracy because an informed public is the bedrock of our free and open society.

Accordingly, the AFL-CIO urges the FCC to:

- Retain the Newspaper-Broadcast Cross-Ownership Rule because of its indispensable role in promoting diversity and competition in local news and information;
- Maintain the remaining Local Television and Radio Ownership Rules to ensure the continued existence of independent local television news operations, a public resource so critical to public discourse in our democratic society;
- Safeguard the remaining Local Radio Ownership Limits in order to avoid further deterioration in the radio industry arising from deregulation--diminution in the diversity of music **available** in local markets, damage to the quality of radio programming nationwide and creation of a market burdened by anti-competitive practices;
- Institute rules to insure that a reasonable level of prime-time programming is created by truly independent producers so there is real source diversity that will increase the choices available to the viewing public;
- Uphold the dual network rule to protect against the erosion of local news and revitalize and encourage innovation in entertainment programming. •
- Retain the national audience caps.

The nation's airwaves—the broadcast spectrum—are the people's property. Through FCC licensing, the American people loan this valuable commodity for a certain time to a variety of proprietors in both the private and public sectors. But citizens retain the right to expect that this community asset will be used in the public interest. The FCC's regulatory regimens that protect and advance diversity of ownership, encourage competition and creativity and prevent the growth of media **monopolies** are time-tested means to protect this invaluable community asset; they are public-interest standards worth fighting for. And the American labor movement intends to remain engaged in this battle as long as it takes to safeguard these protections. •

**CWA Annotation of  
Economic Study F:  
Counting Outlets and Owners in Milwaukee: An Illustrative Example**

Study by Bruce M. Owen, Kent W. Mikkelsen  
Submitted by **Fox** Entertainment Group, NBC, Viacom  
**As** attachment to their comments  
In MB Docket No. 02-277, MM Dockets No. 01-235, 01-317, 00-244  
(Comments dated Jan. 2, 2003)

**Table F9. Local Outlets Available to the Average Household in the  
Milwaukee DMA**

Daily Newspapers	1.2
Weekly Newspapers	3.2
Broadcast Television	14.0
Radio	35.2
Cable Television	2.0
Magazines	15.0
Internet	100.0
<b>Total</b>	<b>170.6</b>

*Milwaukee DMA: 836,000 Households*

*Milwaukee Journal Sentinel circulation*

*Weekday 250,000*

*Sunday 434,000*

Table F1. Daily Newspapers and Availability Areas in the Milwaukee DMA

*Circulation*

	Newspaper/Company Name	Owner	Counties Where Available
	Daily Citizen	Madison Newspapers Inc.**	Dodge
9,725 W	Daily Jefferson County Union	Hoard's Dairyman**	Jefferson
	Watertown Daily Times	Johnson Newspaper Corp.	Jefferson
28,000 W 32,000 S	Kenosha News	United Communications Corp.	Kenosha
249,723 W 434,056 S	Milwaukee Journal Sentinel	Journal Communications*	Milwaukee, Ozaukee, Washington, and Waukesha
30,000 W 32,000 S	Journal Times	Lee Enterprises Inc.	Racine
24,430 W 26,388 S	Sheboygan Press	Gannett Co. Inc.	Sheboygan
	Daily News	Conley Publishing Group	Washington
21,424 W	Waukesha Freeman	Conley Publishing Group	Waukesha

Source: Editor and Publisher Yearbook; MapInfo Corporation

Notes: \* Owner information obtained from [www.jc.com/companies/](http://www.jc.com/companies/)

\*\* Owner information obtained by telephone

*Source for Circulation - Burrelle's Media Directory, 2003*

**Table F2. Daily Newspapers Available to the Average Household in the Milwaukee  
DMA**

<b>County</b>	<b># of daily newspapers</b>	<b>Households per county</b>	<b>County household weight</b>	<b>Weighted number of daily newspapers</b>
<b>DODGE</b>	1	31,417	0.04	0.04
<b>JEFFERSON</b>	2	28,205	0.03	0.07
<b>KENOSHA</b>	1	56,057	0.07	0.07
<b>MILWAUKEE</b>	1	377,729	0.44	0.44
<b>OZAUCKEE</b>	1	30,857	0.04	0.04
<b>RACINE</b>	1	70,819	0.08	0.08
<b>SHEBOYGAN</b>	1	43,545	0.05	0.05
<b>WALWORTH</b>	0	34,522	0.04	0.00
<b>WASHINGTON</b>	2	43,842	0.05	0.10
<b>WAUKESHA</b>	2	135,229	0.16	0.32
<b>Total</b>		852,222	1.00	1.20

**Daily Newspapers Available to Average Household in Milwaukee DMA 1.20**

Sources: Editor and Publisher Yearbook; SRDS Circulation 2003; US **Census** Bureau.

Journal Communications: 2+  
 Southern: 8  
 Conley: 8  
 Hometown News: 3

} 55% of all weeklies

**Table F3. Weekly Newspapers in the Milwaukee DMA**

Circ	Name Of Newspaper	Owner	City	Households in city
	50 Plus	Plus Publications	Hartland	3,002
	Advantage	Conley Publishing Group Ltd	West Bend	11,375
6,340	Brookfield News	Journal Communications.	New Berlin	13,891
1,596	Brown Deer Herald	Journal Communications'	New Berlin	5,134
	Bulletin	United Communications Corp	Kenosha	34,411
	Burlington Standard Press	Southern Lakes Newspapers LLC	Burlington	3,838
23,000	Catholic Herald	Milwaukee Catholic Press Apostolate	Milwaukee	232,188
	Community Journal	Patricia Pattillo**	Milwaukee	232,188
	Courier	Hometown News LP**	Waterloo	1,242
3,434	Cudahy/St. Francis Reminder-Enterprise	Journal Communications*	New Berlin	11,938
6,400	Delavan Enterprise	Bliss Communications Inc.	Delavan	2,931
	Dodge County Independent-News	Times Publishing Inc.	Juneau	31,417
2,550	East Troy News	Southern Lakes Newspapers LLC	East Troy	1,350
1,306	Elkhorn Independent	Southern Lakes Newspapers LLC	Elkhorn	2,919
1,596	Elm Grove Elm Leaves	Journal Communications'	New Berlin	2,444
1,966	Fox Point/Bayside/River Hills Herald	Journal Communications'	New Berlin	5,184
4,314	Franklin Hub	Journal Communications*	New Berlin	10,602
2,910	Germantown Banner-Press	Journal Communications'	New Berlin	6,904
1,840	Glendale Herald	Journal Communications.	New Berlin	5,772
	Good Morning Advertiser	Hoard's Dairyman**	Whitewater	4,132
2,942	Greendale Village Life	Journal Communications'	New Berlin	6,011
3,167	Greenfield Observer	Journal Communications*	New Berlin	15,691
	Hartford Booster	Booster Inc.	Hartford	4,279
7,909	Hartford Times-Press	Conley Publishing Group Ltd.	Hartford	4,219
	Horicon Reporter	Wisconsin Free Press	Horicon	1,414
20,000	Irish American Post	Independently Owned**	Milwaukee	232,188
	Italian Times	Italian Community Center, Inc.	Milwaukee	232,188
418	Kettle Moraine Index	Journal Communications'	Hartland	3,002

Circulation Source: Burrelle's, 2003

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Media  
 Directory  
 Non-Daily Newspapers

ECONOMISTS INCORPORATED

Name Of Newspaper	Owner	City	Households in city
3,400 Kewaskum Statesman	Independently Owned**	Kewaskum	1,212
8,112 Lake Country Reporter	✕ Journal Communications*	Hartland	3,002
2,000 Lake Geneva Regional News	Lake Geneva Printing & Publishing	Lake Geneva	3,053
3,000 Lake Mills Leader	— Hometown News LP	Lake Mills	1,924
5,900 Mayville News	○ Wisconsin Free Press**	Mayville	1,988
1,465 Menomonee Falls News	✕ Journal Communications.	New Berlin	12,844
1,465 Mequon/Thiensville Courant	✕ Journal Communications'	New Berlin	9,364
Metroparent	✕ Journal Sentinel	Wauwatosa	20,388
40,000 Milwaukee Courier	Jerrel Jones**	Milwaukee	232,188
10,000 Milwaukee Star	— Hometown News LP**	Milwaukee	232,188
Monday-Mini	○ Madison Newspapers Inc.	Beaver Dam	6,349
5,200 Mukwonago Chief	✕ Journal Communications*	Mukwonago	2,392
3,514 Muskego Sun	✕ Journal Communications.	New Berlin	7,533
4,309 New Berlin Citizen	✕ Journal Communications*	New Berlin	14,495
News Graphic	✕ Conley Publishing Group Ltd.	Cedarburg	4,432
North Woods Trader	Delphos Herald Inc.	Eagle	592
Oak Creek Pictorial	✕ Journal Communications*	New Berlin	11,239
Oconomowoc Buyers' Guide	✕ Journal Communications*	Hartland	4,968
5,000 Oconomowoc Enterprise	✕ Conley Publishing Group Ltd.	Oconomowoc	4,968
Ozaukee Guide	— Conley Publishing Group Ltd.	Cedarburg	4,432
8,100 Ozaukee Press	Port Publications Inc.	Port Washington	4,071
1,400 Palmyra Enterprise	✓ Southern Lakes Newspapers LLC	Palmyra	689
Pennysaver	Lee Enterprises Inc.	Racine	31,449
6,900 Review	Barry Johanson**	Plymouth	3,262
900 Sharon Reporter	Not available	Sharon	565
2,300 Sheboygan Falls News	Barry Johanson**	Sheboygan	20,779
6000 Shepherd Express Weekly News	Alternative Publications Inc.	Milwaukee	232,188
Shoreline Chronicle	Gannett Co. Inc.**	Sheboygan	20,779
1,811 Shorewood Herald	✕ Journal Communications'	New Berlin	6,539
Souder	Times Publishing Inc.**	Random Lake	613
3615 South Milwaukee Voice Graphic	✕ Journal Communications*	New Berlin	8,694
Spotlight	Jim Clifford**	Watertown	8,022
Sunday Booster	Booster Inc.	Hartford	4,279
Sunday Post	'Conley Publishing Group Ltd.	Cedarburg	4,432
Sunday Post	— Conley Publishing Group Ltd.	West Bend	11,375

Name Of Newspaper	Owner	City	Households in city
<del>3,000</del> Sussex Sun	*Journal Communications*	Hartland	3,310
<del>2,23,762</del> This Week!	*Journal Communications*	Waukesha	25,663
Three Lakes News	Delphos Herald Inc.	Eagle	592
<del>4,421</del> Times	Not available	Walworth	850
Tri-County	Madison Newspapers Inc.	Beaver Dam	6,349
Union Extra	Hoard's Dairyman	Fort Atkinson	4,760
Vilas County News Review	Delphos Herald Inc.	Eagle	9,066
Walworth County Shopper- Advertiser/Sunday Shopper	Community Shoppers Inc.	Delavan	34,522
<del>1,250</del> Waterford Post	'Southern Lakes Newspapers LLC	Waterford	1,561
Waukesha Area Sunday Post	Conley Publishing Group Ltd	Waukesha	25,663
<del>6,296</del> Wauwatosa News-Time	*Journal Communications*	New Berlin	20,388
<del>4,926</del> West Allis Star	*Journal Communications'	New Berlin	21,604
West Bend Booster	Booster Inc.	West Bend	11,375
<del>1,250</del> Westline Report	✓Southern Lakes Newspapers LLC	Union Grove	1,631
Westosha Report	'Southern Lakes Newspapers LLC	Twin Lakes	1,973
<del>2,977</del> Whitefish Bay Herald	*Journal Communications.	New Berlin	5,451
<del>3,000</del> Whitewater Register	✓Southern Lakes Newspapers LLC	Whitewater	4,132
Wisconsin Hi-Liter	Hi-Liter Graphics Inc.	Burlington	3,838
<del>5,500</del> Wisconsin Jewish Chronicle	Milwaukee Jewish Federation	Milwaukee	232,188
Wisconsin Light	Not available	Milwaukee	232,188
		Total Households	2,112,311
		Total DMA Households	852,222

Number of Weekly Newspapers Available to the Average Household in the Milwaukee DMA 3.2

Notes: • Owner information obtained from [www.jc.com/companies/](http://www.jc.com/companies/)  
 \*\* Owner information obtained by telephone

HHI = 2375

Table F4. Broadcast Television Stations in the Milwaukee DMA

<u>'01 LCS (Market Share)</u>	CALL LTRS	CHANNEL	OWNER		Local News
	W63CU	63	Weigel Broadcasting Company		
9%	WCGV-TV	24	Sinclair Broadcast Group Inc	UPN	
14%	WDJT-TV	58	Weigel Broadcasting Company	CBS	✓
22%	WISN-TV	12	Hearst-Argyle TV Incorporated	ABC	J
19%	WITI	6	Fox Television Stations Inc	Fox	J
	WJJA	49	TV-49 Inc		
	WMLW-LP	41	Weigel Broadcasting Company		
	WMVS	10	Milwaukee Area Technical College District Board		
	WMVT	36	Milwaukee Area Technical College District Board		
1%	WPXE	55	Journal Communications*	PAX	
26%	WTMJ-TV	4	Journal Communications*	NBC	✓
	WVCY-TV	30	VCY America Inc		
9%	WVTV	18	Sinclair Broadcast Group Inc	WB	
	WWRS-TV	52	National Minority TV		

Source: BIA Database

Notes: \* Owner information obtained from [www.jc.com/companies/](http://www.jc.com/companies/)

\*\* Owner information obtained by telephone

for Market Share  
Source, BIA Financial Network, 2002 Market Report

## Appendix F: Market by Market Data

Radio Market	Date	Rank	Stations	Owners	Formats	CR1	CR2	CR4
Milwaukee - Racine	Mar-96	28	34	(22)	16	27.5	n/a	68.5
	Nov-97	29	35	17	16	30.4	n/a	81.1
	Nov-98	31	35	16	16	29.7	51.7	80.2
	Mar-00	31	35	16	17	23.4	46.2	76.1
	Mar-01	31	34	14	10	27.6	51.2	86.5
	Mar42	32	35	(15)	16	26.2	50.7	(86.9)

Source: FCC Study #11, Williams + Roberts

**Table F5. Radio Stations in the Milwaukee DMA**

<b>CALL</b>	<b>Owner</b>
LTRS	
WAUK	WALT-WEST Wisconsin Inc
WAZI	L&L Pewaukee Ventures Inc
WBEV	Good Karma Broadcasting
WBFM	Midwest Communications Incorporated
WBJX	WBJX Inc
WBKV	<u>Bliss</u> Communications Inc
WBSD	Burlington <del>Area</del> School District
WBWI	Bliss Communications Inc
WCCX	Carroll College
WCLB	RBH Enterprises Incorporated
WEMP	Entercom
WEXT	NextMedia Group
WEZY	<u>Bliss</u> Communications Inc
WFAW	Marathon Media Group LLC
WFDL	BBK Broadcasting Inc
WFMR	Saga Communications Incorporated
WFZH	Salem Communications Corporation
WGLB	Kinlow, Joel J.
WGLB	Starboard Broadcasting Inc:
WGTD	Wisconsin Public Radio .:
WHAD	Wisconsin Public Radio
WHBL	Midwest Communications Incorporated
WHBZ	Midwest Communications Incorporated
WILL	NextMedia Group
WISN	<u>Clear Channel</u> Communications
WJJO	Mid-West Family Broadcast Group
WJMR	Saga Communications Incorporated
WJUB	Jubilation <b>Ministries</b>
WJYI	Saga Communications Incorporated
WJZI	Milwaukee Radio Alliance LLC
WKCH	Marathon Media Group LLC
WKKV	<u>Clear Channel</u> Communications
WKLH	Saga Communications Incorporated
WKSH	ABC Radio Incorporated
WKTJ	<u>Journal</u> Communications.
WLIP	NextMedia Group
WLKG	Kwiatkowski, Tom
WLTQ	<u>Clear Channel</u> Communications
WLUM	Milwaukee Radio Alliance LLC
WLZR	Saga Communications Incorporated
WMCS	Milwaukee Radio Alliance LLC
WMDC	BBK Broadcasting Inc
WMIL	<u>Clear Channel</u> Communications
WMSE	Milwaukee School of Engineering

<b>CALL LTRS</b>	<b>Owner</b>
WMWK	Family Stations Inc
WMYX	Entercom
WNOV	Courier Communications
WOKY	<u>Clear Channel</u> Communications
WRJT	<u>Clear Channel</u> Communications
WRJN	Bliss Communications Inc
WRRD	Salem Communications Corporation
WSHS	Wisconsin Public Radio
WSJY	Marathon Media Group LLC
WSLD	WPW Broadcasting Incorporated
WSUW	university of Wisconsin System
WTKM	Kettle Moraine Broadcasting Company Inc
WTKM	Kettle Moraine Broadcasting Company Inc
WTMJ	<u>Journal</u> Communications
WTTN	Good Karma Broadcasting
WUWM	University of Wisconsin System
WVCY	VCY America Incorporated
WXER	RBH Enterprises Incorporated
WXRO	Good Karma Broadcasting
WXSS	Entercom
WYMS	Milwaukee Board of School Directors
WZRK	Starboard Broadcasting Inc

Source: BIA Database

Notes: \* Owner information obtained from [www.jc.com/companies/](http://www.jc.com/companies/)

**Table F7. Regional Magazines Available in the Milwaukee DMA**

<b>Regional Magazines</b>	<b>Publishing Company/Owner</b>
Alive Magazine	Milwaukee Zoological Society
Milwaukee Symphony Orchestra Encore	Encore Ltd.
Lore	Milwaukee Public Museum
Alverno Magazine	Alverno College
Mi. Mary Magazine	Mount <del>Mary</del> College
Quarterly	<b>Carroll</b> College
Small Business Times	Small Business Times
Shepherd Express	Alternative Publications
Ou-Tre	Mike Paul
Greater Milwaukee Dining Visitors Guide	Greater Milwaukee Convention & and Visitors Bureau
Milwaukee Magazine	Milwaukee Magazine, <b>Inc,</b>
Wisconsin Times	Wisconsin School <b>for</b> the Deaf
US News and World Report	<b>US</b> News and World Report
Time Magazine	AOL Time Warner
Newsweek	The Washington <b>Post</b> Company

Source: National Directory of Magazines, 2000

44 web sites: radio + TV  
 9 web sites: newspapers  
53 of 100 web sites: radio, TV, newspapers

~~Table F8. Local Websites Available in the Milwaukee DMA~~

Name	Owner	URL
Milwaukee's LGBT Center		<a href="http://www.mkelgbt.org/">http://www.mkelgbt.org/</a>
American Red Cross		<a href="http://www.redcrossinsewis.org/">http://www.redcrossinsewis.org/</a>
Milwaukee Aquarium Society		<a href="http://fishclubs.com/WI/MAS/home2.htm">http://fishclubs.com/WI/MAS/home2.htm</a>
Milwaukee Astronomical Society		<a href="http://www.milwaukeeastro.org/">http://www.milwaukeeastro.org/</a>
Cavalry Chapter of Milwaukee Congregation Shalom		<a href="http://www.ccmil.com/">http://www.ccmil.com/</a> <a href="http://www.cong-shalom.org/">http://www.cong-shalom.org/</a>
United Church of God		<a href="http://www.ucgmil.org/">http://www.ucgmil.org/</a>
Alverno College		<a href="http://www.alverno.edu/">http://www.alverno.edu/</a>
Marquette University		<a href="http://www.marquene.edu/">http://www.marquene.edu/</a>
Milwaukee Area Technical College		<a href="http://www.matc.edu/">http://www.matc.edu/</a>
Milwaukee Institute of <b>Art</b> and Design		<a href="http://www.miad.edu/">http://www.miad.edu/</a>
Milwaukee School of Engineering		<a href="http://www.msOE.edu/">http://www.msOE.edu/</a>
UW-Milwaukee		<a href="http://www.uwm.edu/">http://www.uwm.edu/</a>
YWCA <b>of</b> Milwaukee		<a href="http://www.ywcaogm.org/orgs4rj.htm">http://www.ywcaogm.org/orgs4rj.htm</a>
Hunger Task Force <b>of</b> Milwaukee		<a href="http://www.hungertaskforce.org/">http://www.hungertaskforce.org/</a>
PTA council <b>of</b> Milwaukee		<a href="http://www.myschoolonline.wm.site/0,1876,53529-147930-56-8307,00.html">http://www.myschoolonline.wm/site/0,1876,53529-147930-56-8307,00.html</a>
Atwater PTA		<a href="http://www.shorewoodschooLS.org/sch_Atwater/atw_PTA/atw_PTA.htm">http://www.shorewoodschooLS.org/sch_Atwater/atw_PTA/atw_PTA.htm</a>
Milwaukee's Teacher and Educators' Association		<a href="http://www.mtea.org/">http://www.mtea.org/</a>
Associated General Contractors <b>of</b> Greater Milwaukee		<a href="http://www.agc-gm.org/">http://www.agc-gm.org/</a>
Guide to Milwaukee		<a href="http://www.cityonthelake.com">http://www.cityonthelake.com</a>
Guide to Milwaukee		<a href="http://www.officialmilwaukee.com/main.cfm">http://www.officialmilwaukee.com/main.cfm</a>
Milwaukee Hurling Club		<a href="http://www.hurling.net/">http://www.hurling.net/</a>
Milwaukee <b>Bar</b> Association		<a href="http://www.milwbar.org/">http://www.milwbar.org/</a>
Milwaukee Fire Department		<a href="http://w.rnilfire.com/">http://w.rnilfire.com/</a>
Milwaukee Yacht Club		<a href="http://www.milwaukeeyc.com/">http://www.milwaukeeyc.com/</a>
Milwaukee County Historical Society		<a href="http://www.milwaukeecountyhistoc.org/">http://www.milwaukeecountyhistoc.org/</a>
Milwaukee Naturally		<a href="http://www.milwaukee-naturally.com/">http://www.milwaukee-naturally.com/</a>

Name	Owner	URL
Milwaukee Jewish Federation		<a href="http://www.milwaukeejewish.org/">http://www.milwaukeejewish.org/</a>
Milwaukee One		<a href="http://www.mkel.com/">http://www.mkel.com/</a>
Milwaukee Rocks		<a href="http://www.milweakerocks.com/">http://www.milweakerocks.com/</a>
MKE Blue		<a href="http://www.december.com/places/mke/blue.html">http://www.december.com/places/mke/blue.html</a>
All About Milwaukee		<a href="http://www.allabouhnilwaukee.com/">http://www.allabouhnilwaukee.com/</a>
Zoological Society of Milwaukee		<a href="http://www.wosociety.org/">http://www.wosociety.org/</a>
Metro Milwaukee Association of General Commerce		<a href="http://www.mmac.org/">http://www.mmac.org/</a>
20 Historic Milwaukee		<a href="http://www.historicmilwaukee.org/">http://www.historicmilwaukee.org/</a>
Milwaukee Akido Club		<a href="http://gbit.com/milwac/">http://gbit.com/milwac/</a>
Greater Milwaukee Today		<a href="http://www.gmtoday.com/index.asp">http://www.gmtoday.com/index.asp</a>
Greater Milwaukee Foundation		<a href="http://www.greatermilwaukeefoundation.org/">http://www.greatermilwaukeefoundation.org/</a>
Milwaukee Youth Symphony Orchestra		<a href="http://www.myso.org/">http://www.myso.org/</a>
Guide to Milwaukee		<a href="http://milwaukee.areaguides.net/">http://milwaukee.areaguides.net/</a>
United Way		<a href="http://www.unitedwaymilwaukee.org">http://www.unitedwaymilwaukee.org</a>
eBay		<a href="http://www.ebay.com">www ebay.com</a>
digitalcity.com		<a href="http://www.digitalcity.com">www digitalcity.com</a>
digital-neighbor.com		<a href="http://www.digital-neighbor.com">www.digital-neighbor.com</a>
All About Wisconsin, Inc.		<a href="http://wisconline.com">wisconline.com</a>
onmilwaukee.com		<a href="http://www.onmilwaukee.com">www.onmilwaukee.com</a>
onwisconsin.com		<a href="http://www.onwisconsin.com">www.onwisconsin.com</a>
WCGV-TV	Journal Communications. ✓	<a href="http://www.wcg24.com">http://www.wcg24.com</a>
WDJT-TV	Sinclair Broadcast Group Inc ✓	<a href="http://www.cbs58.com">http://www.cbs58.com</a>
WISN-TV	Weigel Broadcasting Company ~	<a href="http://www.themilwaukeechannel.com/">http://www.themilwaukeechannel.com/</a>
	Hearst-Argyle TV Incorporated	<a href="http://www.fox6milwaukee.com/">http://www.fox6milwaukee.com/</a>
WITI	Fox Television Stations Inc ✓	<a href="http://www.wmlw.com/">http://www.wmlw.com/</a>
WMLW-LP	Weigel Broadcasting Company ✓	<a href="http://mptv.org/">http://mptv.org/</a>
WMVS	Milwaukee Area Technical College District Board	<a href="http://mptv.org/">hnp://mptv.org/</a>
WMVT	Milwaukee Area Technical College District Board	<a href="http://llwww.touchbnj4.cod">http://llwww.touchbnj4.cod</a>
WTMJ-TV	Journal Communications'	<a href="http://www.vcyamerica.org/">http://www.vcyamerica.org/</a>
WVCY-TV	VCY America Inc	<a href="http://www.wvtv18.com/">http://www.wvtv18.com/</a>
WVTV	Sinclair Broadcast Group Inc	<a href="http://www.lifemessage.org/">www.lifemessage.org/</a>
WAZI	L&L Pewaukee Ventures Inc	<a href="http://www.lacampeona.com">www.lacampeona.com</a>
WBJX	WBJX Inc	<a href="http://cscbeta.cc.edu/wccx/">http://cscbeta.cc.edu/wccx/</a>
WCCX	Carroll College	<a href="http://www.extremecounby.com">www.extremecounby.com</a>
WEXT	NextMedia Group	<a href="http://www.wfmr.com">www.wfmr.com</a>
WFMR	Saga Communications Incorporated	<a href="http://my.execpc.com/~wglb/">http://my.execpc.com/~wglb/</a>
WGLB	Kinlow, Joel J.	<a href="http://my.execpc.com/~wglb/fm/fm.html">http://my.execpc.com/~wglb/fm/fm.html</a>
WGLB	Starboard Broadcasting Inc	

<b>Name</b>	<b>Owner</b>	<b>URL</b>
WGTD	Wisconsin Public Radio	<a href="http://www.gateway.tec.wi.us/Campuses/WGTD_FM91/wgtd_fm91.html">www.gateway.tec.wi.us/Campuses/WGTD_FM91/wgtd_fm91.html</a>
WHAD	Wisconsin Public Radio	<a href="http://www.wpr.org/">www.wpr.org/</a>
WIIL	NextMedia Group	<a href="http://www.95wiil.com">www.95wiil.com</a>
WISN	Clear Channel Communications	<a href="http://www.broadcast.com/radio/talk/wisn">www.broadcast.com/radio/talk/wisn</a>
WJJO	Mid-West Family Broadcast Group	<a href="http://www.wjjo.com">www.wjjo.com</a>
WJUB	Jubilation Ministries	<a href="http://www.wjub.org/">www.wjub.org/</a>
WKKV	Clear Channel Communications	<a href="http://www.v100.com/main.html">www.v100.com/main.html</a>
WKLH	Saga Communications Incorporated	<a href="http://www.wklh.com/">www.wklh.com/</a>
WKTJ	Journal Communications.	<a href="http://www.wkti.com">www.wkti.com</a>
WLIP	NextMedia Group	<a href="http://www.wlip.com">www.wlip.com</a>
WLKG	Kwiatkowski, Tom	<a href="http://www.wlkg.com">www.wlkg.com</a>
WLTQ	Clear Channel Communications	<a href="http://www.light97.net/main.html">www.light97.net/main.html</a>
WLUM	Milwaukee Radio Alliance LLC	<a href="http://www.newrock.com/home.asp">www.newrock.com/home.asp</a>
WLZR	Saga Communications Incorporated	<a href="http://www.wlzs.com">www.wlzs.com</a>
WMCS	Milwaukee Radio Alliance LLC	<a href="http://www.I29Owmcs.com">www.I29Owmcs.com</a>
WMIL	Clear Channel Communications	<a href="http://www.fm106.com/main.html">www.fm106.com/main.html</a>
WMSE	Milwaukee School of Engineering	<a href="http://www.wmse.org/">www.wmse.org/</a>
WMWK	Family Stations Inc	<a href="http://www.familyradio.com/">www.familyradio.com/</a>
WOKY	Clear Channel Communications	<a href="http://www.am920woky.com/jacor-common/pax.htm">www.am920woky.com/jacor-common/pax.htm</a>
WSHS	Wisconsin Public Radio	<a href="http://www.sheboygan.k12.wi.us/north/Media/wshs/wshs.htm">www.sheboygan.k12.wi.us/north/Media/wshs/wshs.htm</a>
WSUW	University of Wisconsin System	<a href="http://www.wsuw.org/">www.wsuw.org/</a>
WTKM	Kenle Moraine Broadcasting Company	<a href="http://webcenteramer.codwtkdindex.html">http://webcenteramer.codwtkdindex.html</a>
WTKM	Kenle Moraine Broadcasting Company	<a href="http://webcenteramer.codwtkdindex.html">http://webcenteramer.codwtkdindex.html</a>
WTMJ	Journal Communications'	<a href="http://www.620wbmj.com/">www.620wbmj.com/</a>
WUWM	University of Wisconsin System	<a href="http://www.uwm.edu/WUWM/">www.uwm.edu/WUWM/</a>
WXER	RBH Enterprises Incorporated	<a href="http://www.wxer.com/pthome.html">www.wxer.com/pthome.html</a>
WYMS	Milwaukee Board of School Directors	<a href="http://WWW.WymS.Org/">WWW.WymS.Org/</a>
Daily Citizen	Madison Newspapers Inc. **	<a href="http://www.citizenol.com">www.citizenol.com</a>
Daily Jefferson County Union	Hoard's Dairyman**	<a href="http://www.dailyunion.com">www.dailyunion.com</a>
Watertown Daily Times	Johnson Newspaper Corp.	<a href="http://www.wdtimes.com">www.wdtimes.com</a>
Kenosha News	United Communications Corp.	<a href="http://www.kenoshacounty.com">www.kenoshacounty.com</a>
Milwaukee Journal Sentinel	Journal Communications'	<a href="http://w.jsonline.com">w.jsonline.com</a>
Journal Times	Lee Enterprises Inc.	<a href="http://www.journaltimes.com">www.journaltimes.com</a>
Sheboygan Press	Gannett Co. Inc.	<a href="http://www.wisinfo.com/sheboyganpress/index.shtml">www.wisinfo.com/sheboyganpress/index.shtml</a>
Daily News	Conley Publishing Group	<a href="http://www.rhinelanderdailynews.com">www.rhinelanderdailynews.com</a>
Waukesha Freeman	Conley Publishing Group	<a href="http://www.gmtoday.com">www.gmtoday.com</a>

Notes: \* Owner information obtained from [www.jc.com/companies/](http://www.jc.com/companies/)

\*\* Owner information obtained by telephone

9-  
12-10

Total 100

## Joint Operating Agreements

JOAs in the newspaper industry have been around for nearly 70 years. The newspapers in Tucson, Arizona were among the first to join commercial functions for efficiency while keeping the editorial operations separate. During the decade of the decade of the 60s, Honolulu Hawaii and San Francisco, California started joint operating agreements.

The Honolulu Advertiser and Star-Bulletin were competing **as** separate newspaper companies. Each had their own printing plants, advertising, business offices, and circulation departments. The Advertiser had a new printing facility, state of the art for the time. The Advertiser, though, was a failing newspaper, about to go out of business. It was doubtful from week to week if it could even make payroll. On the other hand, the Star-Bulletin was thriving. It had the largest circulation. It was making lots of money. But it was in desperate need of a new printing plant. The two newspapers got together

The Star-Bulletin moved into the Advertiser building. That solved the Star-Bulletin's problem of a new printing plant. By sharing its printing plant and combining all commercial and production functions, the Advertiser returned to viability.

An economic monopoly was created. Advertising rates soared. Profit margins went off the chart. In the good years, the combined operation turned **50%** return on revenue. In the bad years, the return was in the neighborhood of 30%.

Later in the decade, the San Francisco Examiner and Chronicle combined operations **with** similar results,

At about the same time the U.S. Supreme Court ruled JOAs illegal. What to do? If JOAs were illegal, Honolulu would become a one-newspaper town and Hawaii would be a one-newspaper state. It was likely that San Francisco would lose a newspaper. Many other

newspapers would fail and close. Each time, a separate editorial voice would be lost.

Congress, in its wisdom, passed the Newspaper Preservation Act. While many believed at the time that its real purpose was to make legal JOAs already in existence. The stated reason was to make it possible to keep as many editorial voices as possible.

More JOAs came into existence. Most notable were those in Seattle and Detroit. The US Justice Department approved both, although there was much evidence that the newspapers involved were not in danger of failing.

Some JOAs did not work. Anchorage, Alaska is an example.

While JOAs were structured differently, the common denominator was the completely separate and independent editorial operations.

#### 1. How does it work?

##### a. Joint functions

- 1) The joint operation sets rates, decides on distribution for each newspaper and shares combined profits on a prearranged basis.
- 2) One advertising department sells advertising space for both newspapers. The combined operation sets advertising rates for both newspapers. A combined rate is designed to force or at least strongly encourage advertisers to advertise in both newspapers.
- 3) One business office does all accounting, payroll and HR functions. There is one purchasing department, and one maintenance department.
- 4) One circulation department distributes both newspapers. The circulation department decides if both newspapers will be distributed in all areas. For example, the Hawaii Newspaper Agency, the company created by the Advertiser and the Star-Bulletin, decided that the

Advertiser would be widely distributed on the neighbor islands, while the Star-Bulletin would be largely confined to Oahu.

- 5) The most dramatic savings resulted **from** the two newspapers sharing the same printing facility. Separate printing facilities mean they sit idle for most of a 24-hour period. A printing plant is the most expensive investment for any newspaper. The Honolulu Advertiser is building a news printing facility now at an announced cost of more than **\$80** million.

b. Separate and distinct editorial operations

- 1) Editorial staffs must have separate and independent ownership and managements. Each newspaper hires its own editorial staffs.
- 2) Each newspaper decides what events it will cover and how it will cover the event. It **will** decide the important elements of a story and **what** the story means. For example, the Advertiser and Star-Bulletin both carried a story on March 4<sup>th</sup> reporting that Aloha and Hawaiian Airlines increased their prices. The essential elements of the story in each newspaper were nearly the same, but leads and the headlines were quite different. The Advertiser story appeared on page one and was headed "Hawaiian, Aloha increase prices." The Star-Bulletin story appeared on the business section front. Its headline: "Hawaiian tries fare **fix**."

Bishop Estate: While the Honolulu JOA was still in operation in **1997**, the Star-Bulletin carried and the Advertiser did not **carry a major story** dubbed "**Broken Trust**," which was an essay written by five respected Honolulu leaders, including a senior federal judge, former Kamahamaha girls' school principle, religious leader, political leader and University of Hawaii law professor.

The story chronicled the abuses and failings of the trustees of one of the largest and richest elementary and secondary educational **trusts** in the United States. Valued between \$6 and \$10 billion, the **trust** is the estate set up in the latter part of the **19<sup>th</sup>** century by the will **of** a member of the Hawaiian Royal Family. The purpose of the estate was to provide for the education of Hawaiian children. Kamehameha Schools is funded by the estate.

The story prompted the Hawaii attorney general to launch an investigation, which led to all five of the trustees being replaced and the estate reorganized. It is generally considered the major story of the **1990s** in Hawaii.

The essay authors hoped the Advertiser would run the story in a Sunday edition for the **most** exposure. The Advertiser, for whatever reason, did not think the story was newsworthy enough but never said no. It just tried to ignore it. The authors took the story across the hall to the Star-Bulletin. SB editors considered for only a few minutes, decided the news value was important enough and ran the story.

It soon became apparent that the Bishop Estate story was important and would be for a considerable period of time. The Advertiser began covering the story **as** it unfolded, but most people in Honolulu believe the estate would be operating without change if the Star-Bulletin did not break the story,

Advertiser Editor Jim Gatti, on his retirement in **1999** wrote regarding his decision on the Bishop Estate Story: "I based the decision on what we thought was the right

thing to do journalistically, insisting on fairness and accuracy. ..”

2. Examples of other stones showing competition. We should note that the editorial operation under a JOA should be the same **as** the editorial operation of completely competitive newspapers. While the commercial functions are combined, the editorial teams continue to compete. They provide separate and distinct editorial voices. Editorial policy is often different. There is a different mix of syndicated columnists. Management editorials and recommendations are often different. The two newspapers, JOA or not, make different news judgments **as** their separate eyes and ears determine.
3. Star-Bulletin:
  - a. Starting in 1998, the newspaper broke and covered almost exclusively a story about high gas prices in Hawaii. The state attorney general sued the major oil companies for price fixing and settled out of court. The stories showed that Chevron earned high overall percentage of its profits from Hawaii even though Hawaii represented a small percentage of its business.
  - b. The SB broke and continues to pursue a story about campaign contributions to Honolulu Mayor Jeremy Harris. At the time of the story Harris was the front runner for governor. Harris later dropped out of the governor’s race and is now under criminal investigation. Until recently, the Advertiser has not prominently covered the story.
4. Advertiser
  - a. November 2002 regarding problems, including fraud, in Hawaii’s public housing authority.
  - b. March 2002 regarding losses to the Hawaii state employees pension system.
  - c. February 2003 regarding abuse of the elderly, “state’s hidden epidemic.”

5. If **JOAs** involving broadcast media require separate editorial operations, where is the savings? They don't have printing plants.

Broadcast media can enjoy considerable efficiencies and savings from combining business functions and advertising sales. They can also share facilities and equipment.

By selling advertising jointly, they can have one advertising **staff** sell time for all of the stations. They can set rates and have combination buys. They can offer service to clients by coordinating media campaigns that will include print, radio and TV at one time.

They can have one business operation serve all stations together. They can have common **HR** operations which can lead to savings in employee benefits. **A** larger operation may be able to provide pension benefits that a single small operation could not afford. Likewise, medical benefits are more affordable to large operations because the large operation has more bargaining power with providers than does a small operation, a benefit to both employees and the company.

The independence, though, of the separate editorial operations must be maintained. While it might be more efficient to combine editorial operations, the result would be a loss of independent editorial judgment. It would violate the wisdom of the Congress in the Newspaper Preservation Act. The Congress decided independent editorial voices in communities are desirable and should be encouraged. The principle is equally valid for broadcast media. Democracy depends on an informed citizenry.

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# **Broadcast Ownership Rules**

**MB Docket No. 02-277**  
**MM Dockets No. 01-235, 01-317, 00-244**

Communications Workers of America  
Ex Parte Presentation



# Overview

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- Television and Newspapers are the Dominant Source for Local News and Information
- Television and Newspapers are Separate Local Media Markets
- Local Television and Newspaper Markets are Highly Concentrated
- Ownership Rules are Necessary to Protect and Promote Viewpoint Diversity
- CWA Proposal for Structural Ownership Rules



# Television and Newspapers are the Dominant Source for Local News and Information

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- Newspapers
  - 54% read daily paper, 64% Sunday paper (NAA)
  - 62% read newspaper (Waldfoegel, Nielsen)
- Television
  - 60% watch eve news, 64% nightly news (Waldfoegel); 85% use TV for news (Nielsen)
- Radio
  - 35% use radio for news & info (Nielsen)
- Cable
  - Only 19 markets with local cable news show (**Fox** et al)
- Internet
  - 18.8% use Internet for news (Nielsen)
  - Only 54% of Americans have Internet access at home (U.S. Dept of Commerce)
  - Most Internet news sites are newspaper or TV sites



# Television and Newspapers are Separate Local Media Markets

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- Consumers Show Weak Substitution across Media Types
  - FCC Waldfoegel study (study #3)
- Advertisers View Local Newspaper, Radio, and Television as Separate Markets
  - FCC Bush study (study #10)



## Relaxation of Media Ownership Limits Has Resulted in More Concentration in Local Media Markets

Growth Rate in Outlets and Owners in Ten Selected Media Markets				
	Media Outlets			
	1960-1980	1980-2000	1960-1980	1980-2000
Altoona	73%	21%	33%	25%
Birrninaharn	57%	34%	70%	12%
Burlington	147%	43%	115%	21%
Charlottesville	62%	77%	100%	40%
Kansas City	100%	20%	106%	0%
Lancaster	50%	19%	60%	25%
Little Rock	106%	71%	114%	10%
Myrtle Beach	267%	43%	115%	44%
New York	73%	20%	93%	-2%
Terre Haute	117%	27%	138%	16%
Source: Dean Baker, <i>Democracy Unhinged</i> , Analysis of FCC Study #1, S Roberts, J Frenette, D Steams, "A Comparison of Media Outlets and Owners for Ten Selected Markets (1960, 1980, 2000)"				



## Example: Local Radio Markets 1996 - 2002

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1996 Telecom Act eliminated national radio ownership limits and reduced local radio limits

- Clear Channel and Infinity now own 1,340 (up from 109 stations in 1996).
- Total number of distinct radio station owners declined 33% since 1996
- In local radio market, top four owners control, on average, 93% of market (as measured by ad revenues), up from 83% in 1996
- Radio ad rates have increased more than 68% (adjusted for inflation)

Sources: FCC study #11, G Williams and S Roberts, "Radio Industry Review 2002"



## **Most Local Markets Have Only 4-5 Major News Outlets – the Daily Newspaper and the Major Networks' News Shows**

### Newspapers

- Most cities have one major daily newspaper
- Newspaper HHIs in virtually all markets are above 1,000 (highly concentrated)

### Television

- 70% of DMAs have 4 or fewer original local news shows; 89% of DMAs have 5 or fewer original local news shows (Source: Fox et al)
- Only 19 DMAs have local cable news (Source: Fox et al)

# Market Concentration in Local Television Markets, 2001

Market Concentration in Local Television Markets 2001		
DMA	Market Share of Top Four Stations	HHI
New York City, NY (001)	71%	1959
Los Angeles, CA (002)	57%	1796
Chicago, IL (003)	68%	1852
Philadelphia, PA (004)	83%	1852
San Francisco, CA (005)	80%	2370
Boston, <b>MA</b> (006)	78%	2276
Dallas, TX (007)	63%	1881
Washington, <b>DC</b> (008)	85%	2254
Kansas City, MO (031)	80%	1914
Birmingham, AL (039)	77%	1895
Harrisburg, PA (046)	95%	2555
Little Rock, AR (056)	93%	2605
Burlington, VT (090)	95%	3500
Altoona, PA (096)	100%	3166
Myrtle Beach, SC (109)	100%	4146
Terre Haute, IN (145)	100%	4178

Source: BIA, 2001. Market share – average 2000 LCS. HHI calculation based on combined market share of each independently owned commercial stations with >1% market share. Market share combined for commonly-owned stations.



# Market Concentration in Local Daily Newspaper Markets

## Daily Newspapers in Principal Metro City & One County

Market Concentration in Local Daily Newspaper Markets			
Daily Newspapers in Principal Metro City and One Surrounding County			
Principal City and One Surrounding County (DMA)	Daily Newspapers	Market Share	HHI
New York City/Westchester Co. NY (001)	Wall Street Journal New York Times NY Daily News NY Post Bloomberg News Journal News (Westchester) Others	24% 15% 11% 6% 3% 5%	
Los Angeles and Orange Co, CA (001)	Los Angeles Times Orange County Register LA Opinion LA Press-Telegram LA Daily Breeze Korean Central Daily Others	50% 18% 7% 5% 4% 3% 13%	2909
Chicago and Lake Co IL (003)	Chicago Tribune Chicago Sun-Times Lake Daily Herald (Lake Co.) Chicago Defender The News Sun (Lake Co.)	50% 35% 11% 2% 2%	3856
Philadelphia and Montgomery Co, PA (007)	Philadelphia Inquirer* Philadelphia Daily News* (*commonly owned with joint advertising) The Mercury (Mont. Co.) Times Herald (Mont. Co.) The Reporter	59% 31% 4% 3% 3%	4498
San Francisco and Santa Clara Co, CA (005)	San Francisco Chronicle San Jose Mercury News Palo Alto Daily News (Co.) San Francisco Examiner Others	59% 31% 3% 6% 1%	4473



## Market Concentration in Local Daily Newspaper Markets

### Daily Newspapers in Principal Metro City & One County

Principal City and One Surrounding County (DMA)	Daily Newspapers	Market Share	HHI
Boston and Middlesex Co, MA (006)	Boston Globe Boston Herald Boston Metro Th? Sun (Lowell MA) Others	47% 26% 18% 5% 4%	3239
Dallas/Fort Worth and Denton Co TX (007)	Dallas Morning News Fort Worth Star-Telegram Others	64% 29% ...	4948
Washington, D.C. and Montgomery Co. MD (008)	Washington Post Washington Times Montgomery Journal	86% 11% 3%	7510
Kansas City and Linn Co. MO (031)	The Kansas City Star Linn News-Weti	95% 5%	9053
Birmingham, AL (039)	Th? Birmingham News Birmingham Post-Herald (Joint Operating Agreement)	88% 12%	7906
Lancaster, PA (046)	Lancaster Intelligencer Journal	100%	10,000
Little Rock and Pulaski Co. AR (056)	Arkansas Democrat-Gazette Pulaski Daily Record	96% 3%	9187
Burlington, VT (090)	Burlington Free Press	100%	10,000
Altoona, PA (096)	Altoona Mirror	100%	10,000
Myrtle Beach, SC (109)	Sun News	100%	10,000
Terre Haute, IN (145)	Tribune-Star	100%	10,000
Charlottesville, VA (192)	Daily Progress Cavalier Daily	77% 23%	6,431
Source: Burrelle's Media Directory, 2003. Local daily newspapers in principal metro city & DMA and one surrounding county. Trade publications not included.			



# Ownership Rules are Necessary to Protect and Promote Viewpoint Diversity

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- Ownership Influences Viewpoint
  - Academic literature
  - Examples from newspaper/broadcast combinations
  - Influence of advertisers on journalism and even on acceptance of issue ads
  - CanWest Global chain editorial policy
- “Synergy” is not viewpoint diversity



# CWA Proposal for Local Broadcast Ownership, Rules

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- In all but a handful of local media markets, there are only 4-6 independently owned major media outlets
- Allowing further combination in concentrated markets would further reduce diversity and competition
- FCC must either maintain current rules (duopoly, newspaper/broadcast cross-ownership, dual network, radio rules), or
- Framework for unified local media ownership rule
  - Newspaper, radio, TV are distinct product markets
  - Careful geographic definition of each relevant product market
  - Market share analysis of each product market
  - No combinations (vertical or horizontal) where the product market is highly or moderately concentrated (e.g. duopolies, newspaper/broadcast combinations)
  - Combinations allowed in unconcentrated markets based on public interest review



## CWA Proposal to Ensure Viewpoint Diversity

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- Where local media combinations are permitted, FCC rule must require commonly owned media outlets to maintain separate newsrooms and editorial staff
- Modeled after 1970 Newspaper Preservation Act
  - Anti-trust exemption to preserve newspaper competition
  - Requires “there shall be no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined”
  - Under NPA, about 12 newspapers jointly operate business/advertising . Allows them to realize economic efficiencies, while preserving autonomous and competitive news operations

